

**Notice of Allowability**

Application No.

09/806,823

Examiner

James M Spear

Applicant(s)

FURITSU ET AL.

Art Unit

1615

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to The amendment filed December 10, 2003.

☒ The allowed claim(s) is/are 1-4, 13, 15 and 17.

☒ The drawings filed on 05 April 2001 are accepted by the Examiner.

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some\* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

(a) ☐ The translation of the foreign language provisional application has been received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.

(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1 ☐ Notice of References Cited (PTO-892)

2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3 ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. see below

4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5 ☐ Notice of Informal Patent Application (PTO-152)

6 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_.

7 ☐ Examiner's Amendment/Comment

8 ☐ Examiner's Statement of Reasons for Allowance

9 ☒ Other See Continuation Sheet.

*James M. Spear*  
JAMES M. SPEAR  
PRIMARY EXAMINER  
AU 1615

Continuation Sheet (PTOL-37)

Application No. 09/806,823

Continuation of Attachment(s) 9. Other: PTO 1449 filed 12/10/03 & 10/04/01, considered.

*James M. Spear*

JAMES M. SPEAR  
PRIMARY EXAMINER

*AU 1015*

Art Unit: 1615

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John W. Bailey on January 15, 2004.

IN THE CLAIMS:

Cancel claims 5-12.

2. The following is an examiner's statement of reasons for allowance: Applicants show a quickly disintegrating tablet comprised of a cyclic GMP phosphodiesterase inhibitor and a saccharide. The prior art shows quickly or rapidly disintegrating tablets, such as in JPO Abstract publication number 09048726 A, (applicant's PTO 1449) wherein sugars such as glucose, fructose, sucrose, or a sugar alcohol such as mannitol or sorbitol and a water soluble polymer such as polyvinylpyrrolidone are utilized. The prior art does not show nor fairly suggest applicants' quickly disintegrating tablet or method of making said tablet comprised of a cyclic GMP phosphodiesterase inhibitor in combination with a saccharide selected from the group consisting of mannitol, xylitol, and erythritol wherein the saccharide is present in a ratio of 4 to 30 parts by weight to 1 part by weight of the cyclic GMP phosphodiesterase inhibitor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

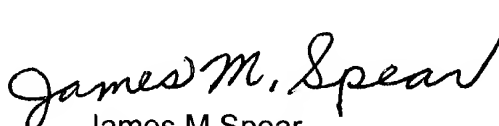
Claims 1-4, 13, 15 and 17 are allowed.

Claims 5-12, 14 and 16 have been canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Spear whose telephone number is 703 308 2457, after February 02, 2004 he may be reached on 703 308 2457. The examiner can normally be reached on Monday thru Friday from 6:30 AM to 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page, can be reached on 703 308 2927, after February 03, 2004 he may be reached on 571 272 0602. The fax phone number for the organization where this application or proceeding is assigned is 703 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1235.

  
James M Spear  
Primary Examiner  
Art Unit 1615

January 18, 2004